REMARKS

This is intended as a full and complete response to the Final Office Action dated March 21, 2007, having a shortened statutory period for response set to expire on June 21, 2007. Claims 1-8 and 15 have been examined. The Examiner rejected claims 1-8 under 35 U.S.C. § 101. The Examiner rejected claims 1-6, 8, and 15 under 35 U.S.C. § 102(b) as being anticipated by Shin ("A novel optical signal-to-noise ratio monitoring technique for WDM networks," Shin et al.; Optical Fiber Communication Conference, 2000; Volume 2, 7-10 March 2000, Pages: 182-184).

Examiner Interview

Applicants would like to thank the Examiner for conducting the interview on May 16, 2007. The arguments and amendments herein are presented in accordance with the substance of the interview to place the application in better condition for allowance.

Claim Objection

The Examiner objected to claims 1 and 3 due to informalities. In response, Applicants have amended claims 1 and 3 accordingly. Therefore, Applicants respectfully request the objection to the claims be removed and allowance of the same.

Claim Rejections – 35 USC § 101

The Examiner rejected claims 1-6 and 8 under 35 U.S.C. § 101 because the claimed invention lacks patentable utility. According to the Examiner, the claims are drawn to a method for computing and/or calculating values, without using the values to produce a useful, concrete, and tangible result. In response, Applicants have amended claims 1-6 and 8 to address the concerns of the Examiner. Therefore, Applicants respectfully request the 101 rejection of claims 1-6 and 8 be removed and allowance of the same.

Claim Rejections Under 35 U.S.C. § 102

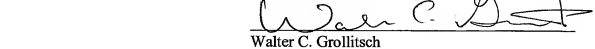
The Examiner rejected claims 1, 3, and 15 under 35 U.S.C. § 102(b) as being anticipated by Shin. In response, Applicants have amended claim 1, 3, and 15.

As amended, claims 1, 3, and 15 include the limitations of (i) tapping a portion of a signal (ii) converting the portion of the signal to a digital signal and (iii) sampling a plurality of points in the digital signal. Shin does not disclose these limitations. In contrast, Shin merely discloses a method for monitoring an optical signal to noise ratio that includes the steps of tapping a small portion of a multiplexed signal and then splitting the signal to a first photodetector configured to measure the total power received and a second photodetector configured to measure the noise power (See Shin, pg 182, section I). The method in Shin further includes estimating the optical signal to noise ratio by using the total power measured by the first photodetector and the noise powered measured by the second photodector (See Shin, pg 183, section II). Again, there is no mention in Shin of converting a signal into a digital signal and then sampling a plurality of points in the digital signal, wherein the plurality of points are used in the calculation of the optical signal to noise ratio. In fact, the only mention in Shin of a sampling frequency refers to a characteristic of an analog to digital converter disclosed in Shin. For these reasons, Shin fails to teach or suggest all the limitations of claims 1, 3, and 15. This failure preludes Shin from anticipating claims 1, 3, and 15. Therefore, Applicants respectfully request the 102(b) rejection of claims 1, 3, and 15 be removed and allowance of the same. Additionally, since claim 2 depends from claim 1 and claims 4-6 and 8 depend from claim 3, these claims are allowable for at least the same reasons as claims 1 and 3.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the case is in condition for allowance. If the Examiner has any questions, please contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,



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